

**FILED UNDER SEAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY,

Plaintiff and  
Counterclaim-Defendant,

v.

VAN SCOY DIAMOND MINE OF  
DELAWARE, INC., a Delaware corporation,  
KURT VAN SCOY, and DONNA VAN SCOY,

Defendants and  
Counterclaim-Plaintiffs.

Case No. 05-108 (KAJ)

**ANSWERING BRIEF OF DEFENDANTS VAN SCOY DIAMOND MINE OF  
DELAWARE, KURT VAN SCOY & DONNA VAN SCOY TO PLAINTIFF WAYNE  
VAN SCOY'S MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' LACHES,  
ACQUIESCENCE AND ESTOPPEL DEFENSES**

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